IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

RPFC.No. 149 of 2007(E)

MC.139/2004 OF THE FAMILY COURT, ERNAKULAM
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REVISION PETITIONER/RESPONDENT:

RAJESH KHAN,AGED 33 YEARS,
S/O.MEHBOOB KHAN,KANIAMPARAMBU HOUSE,ASRAMAM ROAD,
AVALOOKUNNU (P.O),ALAPPUZHA.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS/PETITIONER & STATE:
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1. MUMTHAS BEEGUM,THOPPIL PARAMBU HOUSE,
THATHAPPILLY (P.O),MANNAM,KOTTUVALLY VILLAGE,
PARAVUR TALUK,ERNAKULAM DISTRICT.

2. THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI AMJAD ALI
SRI.P.L.DEVADAS
SRI.K.M.SREEKANTH

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

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R.P.(FC).No.149 OF 2007

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Dated this the 30th day of March, 2007

ORDER

The revision Petitioner is the respondent in M.C.No.139 of 2004 who had initiated proceedings under Section 125 of the Cr.P.C and under orders to pay maintenance at the rate of Rs.1,500/- per month from the date of the M.C. The revision petitioner/respondent could not adduce evidence and the matter was disposed of on the basis of the evidence of the petitioner alone.

2. In the circumstances, the order of the court below is set aside on condition that the revision petitioner deposit the entire arrears due at the rate of Rs.1,000/- and continue to deposit at the above rate. The revision petitioner is granted three months time from today onwards to deposit the amount. On depositing the entire arrears, the court shall take into file the matter and permit the parties to adduce evidence and dispose of the case on merits.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE

dvs